IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Bail Appl..No. 6329 of 2007

(CRIME NO. 218/2007 OF KUTTIADI POLICE STATION)

PETITIONER/ACCUSED:

P.K.DINESH, AGED 26 YEARS,
S/O.KANNAN, PERUMPARAYIL KUNDUTHODU P.O.,
THOTTIPALAM, KOZHIKODE.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS: COMPLAINANT:

1. **STATE REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.**

2. **THE STATION HOUSE OFFICER, KUTTIADI POLICE STATION (CRIME NO.218 OF 2007) KUTTIADI, KOZHIKODE.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6329 of 2007

Dated this the 29th day of October, 2007

ORDER

Application for anticipatory bail. Petitioner is the 3rd accused. Altogether there are 3 accused persons. They face allegations under Section 306 I.P.C. The crux of the allegations is that a woman committed suicide. She allegedly committed suicide on account of a failed relationship with the 1st accused. The 1st accused had promised to marry her. He allegedly had sexual intercourse with her in the house of the petitioner. The deceased was taken to the house of the petitioner by the 1st accused in a jeep. The owner of the jeep was arrayed as the 2nd accused. The 1st accused has already been arrested and enlarged on bail. The 2nd accused has been granted anticipatory bail. The petitioner apprehends imminent arrest. His application for anticipatory bail was rejected by the learned Sessions Judge.

2. The learned counsel for the petitioner submits that the entire allegations even if accepted in toto, the only allegation against the petitioner is that he afforded the opportunity for his friend-the 1st accused and his lover-the deceased to have sexual intercourse in his house. Later as the 1st accused did not stand by his commitment to marry her, the deceased committed suicide. In these circumstances,

the petitioner does not deserve to endure the trauma of arrest and detention, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the prayer. the learned Public Prosecutor submits that at the moment, the allegation is only under Section 306 I.P.C. The father of the girl appears to have made an allegation that the 1st accused had attempted to have sexual intercourse with the deceased without her consent in the house of the petitioner. But at any rate, investigation so far has not revealed any offence other than the one under Section 306 I.P.C that has allegedly been committed by the accused persons.

4. In the circumstances referred above, I am satisfied that a lenient view can be taken and the petitioner can be granted anticipatory bail.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 05.11.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 06.11.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 05.11.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 05.11.07.

(R.BASANT, JUDGE)

rtr/-